

Appl. No. 10/740,261
Atty. Docket No. 9475
Reply dated January 20, 2006
Reply to Office Action of November 10, 2005
Customer No. 27752

REMARKS

Applicants would like to thank the Examiner for his time during a telephone interview on January 12, 2006 with Applicants' representative, C. Brant Cook, and a co-inventor of the claimed invention, Paul D. Trokhan. During the telephone interview, the prior art reference was discussed.

Applicants acknowledge the withdrawal of the objections to the Specification and the Claims.

Claims 1-6 and 8-15 and 17-20 are pending in the present application.

Rejection Under 35 USC §102(b) Over U.S. 5,538,595

Claims 1, 5-6 and 17-20 are rejected by the Examiner under 35 U.S.C. §102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 5,538,595 to Trokhan et al. ("Trokhan"). The Examiner asserts that Trokhan discloses a fibrous structure comprising at least two layers wherein at least one of the layers of the structure includes long cellulosic fibers and at least one of the layers includes short cellulosic fibers. The Examiner further asserts that Trokhan discloses that synthetic fibers may be utilized in combination with the cellulosic fibers. Further, the Examiner asserts that Trokhan discloses that its structure may be subjected to pattern densification wherein the structure is characterized by having a relatively high bulk field of relatively low fiber density and an array of densified zones of relatively high fiber density. The Examiner then inadvertently equates fiber density (low and high) with low and high basis weight (differential basis weight) to find that Trokhan teaches the claimed invention as claimed in Claims 1, 5-6 and 17-20.

During the telephone interview with the Examiner, Applicants explained to the Examiner that density does not equal basis weight. Therefore, the fact that Trokhan teaches structures that have regions of different fiber densities does not mean that Trokhan teaches structures that have regions of different basis weight. Accordingly, Applicants respectfully submit that Claims 1, 5-6 and 17-20 are not anticipated by nor rendered obvious over Trokhan because Trokhan fails to teach each and every element of the claimed invention; namely, Trokhan fails to teach a structure having regions of different basis weight.

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Accordingly, Applicants respectfully request that the rejection be withdrawn and that the claims be allowed.

Rejection Under 35 USC §103(a) Over U.S. 5,538,595 in view of U.S. 5,516,580

Claims 2-3 and 8 are rejected by the Examiner under 35 U.S.C. §103(a) as allegedly defining obvious subject matter over Trokhan, discussed above, and further in view of U.S. Patent No. 5,516,580 to Frenette et al. ("Frenette").

Applicants respectfully submit that Trokhan alone or in combination with Frenette fails to teach each and every element of the claimed invention as claimed in Claims 2-3 and 8, which ultimately depend from Claim 1, for the same reasons that Claim 1 is not anticipated by nor rendered obvious over Trokhan.

Accordingly, Applicants respectfully request that the rejection be withdrawn and that the claims be allowed.

Rejection Under 35 USC §103(a) Over U.S. 5,538,595 in view of WO 93/14267

Claims 4 and 9 are rejected by the Examiner under 35 U.S.C. §103(a) as allegedly defining obvious subject matter over Trokhan, discussed above, and further in view of WO 93/14267 to Manning ("Manning").

Applicants respectfully submit that Trokhan alone or in combination with Manning fails to teach each and every element of the claimed invention as claimed in Claims 4 and 9, which ultimately depend from Claim 1, for the same reasons that Claim 1 is not anticipated by nor rendered obvious over Trokhan.

Accordingly, Applicants respectfully request that the rejection be withdrawn and that the claims be allowed.

Rejection Under 35 USC §103(a) Over U.S. 5,538,595 in view of U.S. 4,202,959

Claim 10 is rejected by the Examiner under 35 U.S.C. §103(a) as allegedly defining obvious subject matter over Trokhan, discussed above, and further in view of U.S. Patent No. 4,202,959 to Henbest et al. ("Henbest").

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Applicants respectfully submit that Trokhan alone or in combination with Henbest fails to teach each and every element of the claimed invention as claimed in Claim 10, which ultimately depends from Claim 1, for the same reasons that Claim 1 is not anticipated by nor rendered obvious over Trokhan.

Accordingly, Applicants respectfully request that the rejection be withdrawn and that the claims be allowed.

Rejection Under 35 USC §103(a) Over U.S. 5,538,595 in view of
U.S. 5,516,580 or WO 93/14267

Claims 10-12 and 15 are rejected by the Examiner under 35 U.S.C. §103(a) as allegedly defining obvious subject matter Trokhan, discussed above, and further in view of any one of Frenette and Manning, both discussed above.

Applicants respectfully submit that Trokhan alone or in combination with Frenette and/or Manning fails to teach each and every element of the claimed invention as claimed in Claims 10-12 and 15, which ultimately depend from Claim 1, for the same reasons that Claim 1 is not anticipated by nor rendered obvious over Trokhan.

Accordingly, Applicants respectfully request that the rejection be withdrawn and that the claims be allowed.

Rejection Under 35 USC §103(a) Over U.S. 5,538,595 in view of
U.S. 5,405,499 or U.S. 5,409,572

Claims 13-14 are rejected by the Examiner under 35 U.S.C. §103(a) as allegedly defining obvious subject matter over Trokhan, discussed above, and further in view of any one of U.S. Patent Nos. 5,405,499 to Vinson ('Vinson") or 5,409,572 to Kershaw et al. ("Kershaw").

Applicants respectfully submit that Trokhan alone or in combination with Vinson and/or Kershaw fails to teach each and every element of the claimed invention as claimed in Claims 13-14, which ultimately depend from Claim 1, for the same reasons that Claim 1 is not anticipated by nor rendered obvious over Trokhan.

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Accordingly, Applicants respectfully request that the rejection be withdrawn and that the claims be allowed.

Conclusion

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of the rejections, and allowance of Claims 1-6, 8-15 and 17-20 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By



Signature

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